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10/043,714

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Isaac Bentolila

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/043,714

Applicant(s)

BENTOLILA ET AL.

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-21.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached note.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.



Hoang-Vu Antony Nguyen-Ba  
Primary Examiner  
Art Unit: 2623

1. This is responsive to the amendment after final filed May 25, 2007.

***Response to Arguments***

2. **Improper Finality of the Office Action**

In response to Applicant's arguments that the finality of the previous Office action is improper because the Office action includes only responses to Applicant's arguments filed October 4, 2006, without expressly setting forth new grounds of rejection or maintaining previous rejections and furthermore the Office action has failed to read in or consider Applicant's claim amendments filed October 4, 2006, the examiner respectfully disagrees with Applicant's assertions for the following reasons:

In the amendment filed October 4, 2006, Applicant has amended Claim 1 as follows:

a server-side system for evaluating television viewing data and for categorizing the data into user category groups;

a clustering engine included in the server-side system for receiving the television viewing data ~~input~~, processing the television viewing data ~~input~~ and generating user profiles targeting the user ~~advertising~~ category groups;

a client-side system coupled to the server-side system and adapted to classify a television user into at least one of the user ~~advertising~~ category groups;

a contextual behavioral profiling system included in the ~~connected to said client-side system~~ for deriving profiling information related to ~~and determining~~ a television user's viewing behavior with content and usage-related preferences; and

*a behavioral model database connected to the said profiling system for ~~and storing in the client-side system the profiling therein~~ information related to ~~with~~ the television user's viewing behavior*

In the Remarks filed October 4, 2006, at page 10, Applicant explicitly indicated that Claim 1 has been amended to more clearly recite a television rating system including a server side system and a client side system and a clustering engine is included in the server side system for receiving and processing television viewing data and for generating user profiles targeting user category groups. Applicant further indicated that a contextual behavior profiling system derives profiling information from the user's viewing behavior and includes a behavioral model database for storing profiling information in the client side system.

And Applicant submitted that Hendricks et al (978) does not teach a server-side system let alone a server-side system including a clustering engine for receiving and processing data to generate user profiles targeting a user.

The examiner respectfully notes that Applicant submitted the arguments for currently amended Claim 1 and asserted that Hendricks et al (978) reference does not teach a server-side including a clustering engine for receiving and processing data to generate user profiles targeting a user.

When the examiner responded to Applicant's arguments, the examiner inherently considered Applicant's claimed amendments (e.g., the original Claim 1 did not recite a server-side system, however, in his response the examiner submitted that the

currently amended claim 1's server-side system limitation is taught by Hendricks et al.'s FIG. 1, item 208, "Cable Headend", which is considered to be new grounds of rejection/maintaining previous rejection).

With respect to the limitation of the server-side system *for evaluating television viewing data and for categorizing the data into user category group*, this limitation is recited as a limitation of the clustering engine (see 2<sup>nd</sup> limitation of the original/currently amended claim) and is addressed in the Office action and the examiner's response to Applicant's arguments related to the clustering engine being included in the server-side system (pp. 3-4, e.g., 2<sup>nd</sup> paragraph).

With respect to Applicant's added limitation of a clustering engine *included in the server-side system*, the Office action has addressed this added limitation at pp. 3-4, e.g., 2<sup>nd</sup> paragraph.

Accordingly, the examiner submits that the finality of the Office action is proper and thus maintained.

3. **Rejection under 35 U.S.C. § 103(a)**

With respect to Claims 1-3 and 5-7, Applicant has substantially submitted that the instant Office action fails to read in all of the above-mentioned limitations, i.e., a contextual *behavioral profiling system included in the client-side system* for *delivering profiling* information related to a television user's viewing behavior with content and usage-related preferences.

In response, the examiner respectfully directs Applicant's attention to the Office action of January 26, 2007, p. 4, first two paragraphs which addressed the above-mentioned limitations.

Furthermore, it is noted that the claimed contextual behavioral profiling system is not specifically defined in the specification as being included in the client-side system. See [0059]. As best understood, the contextual behavioral profiling system is a system that comprises part of the server-side system, part of database and part of client-side and is not exclusively included in the client-side system.

With respect to Claims 4, 8-10, 11, 12, 13, 15-18, 21, 14, 19, 20,  
Applicant's attention is respectfully directed to the Office actions of January 26, 2007 and January 26, 2007.



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